



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sabrina Minervini,
Police Officer (S9999M), Jersey City

CSC Docket No. 2015-1993

List Removal

ISSUED:

JUN 08 2015

(EG)

Sabrina Minervini, represented by Catherine M. Elston, Esq., appeals the attached decision of the Division of Agency Services (DAS) which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Police Officer (S9999M), Jersey City based on her failure to meet the residency requirements.

The closing date for the (S9999M) examination was August 31, 2010. The subject eligible list (S9999M) promulgated on June 10, 2011 and expired on May 1, 2014. The appellant's name appeared on the October 7, 2013 certification of the eligible list. In disposing of the certification, the appointing authority requested that the appellant's name be removed on the basis that she did not satisfy the residency requirement. Specifically, the appointing authority asserted that in 2011 and 2012 the appellant resided in Hoboken. In support of its contention, it submitted copies of tax documents for 2011 and 2012 which indicate the appellant's address as Hoboken. Additionally, it submitted a Motor Vehicle Services Address Change History which shows the appellant changed her address from Hoboken to Jersey City on February 28, 2012. The appellant appealed the removal of her name to DAS. In that appeal, the appellant did not dispute her residency as provided by the appointing authority. Rather, she argued that Jersey City's residency ordinance did not require her to be a resident prior to her appointment. DAS found that pursuant to *N.J.A.C. 4A:4-2.11(c)1*, the appellant was required to continuously maintain residency from the closing date up to and including the date of appointment. Therefore, DAS upheld the removal of the appellant's name from the eligible list.

On appeal, the appellant reiterates her previous arguments. She contends that the Jersey City ordinance merely states that all employees shall maintain a *bona fide* domicile in Jersey City during the period of their employment. Thus, she maintains that she was not required to be a resident before being appointed. Further, the appellant argues that the language of *N.J.A.C. 4A:4-2.11(c)1* does not apply as the Jersey City ordinance does not require residency as of the date of appointment.

The appointing authority, despite being provided the opportunity, did not submit any information or arguments for the Civil Service Commission's (Commission) review.

CONCLUSION

N.J.A.C. 4A:4-6.3(b) states that, except for disqualification for medical or psychological reasons, the appellant shall have the burden of proof. *N.J.A.C. 4A:4-2.11(c)* provides that residency requirements shall be met by the announced closing date for an examination, and *N.J.A.C. 4A:4-2.11(c)1* provides "[w]hen an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment."

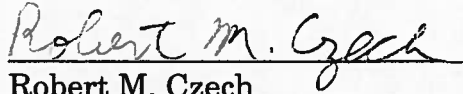
In the instant matter, the appointing authority alleged that the appellant did not meet its residency requirement and relies on tax records and Motor Vehicle records which indicate that the appellant resided in Hoboken in 2011 and 2012. The appellant does not dispute the appointing authority's assertions. Rather, the appellant argues that based on Jersey City's ordinance, she was not required to maintain residency from the closing date of the examination through an appointment date. In this regard, she contends that *N.J.A.C. 4A:4-2.11(c)1* does not apply as Jersey City did not require residency as of the date of appointment. The Commission disagrees. Jersey City's ordinance requires residency during the period of employment. Employment begins on the date of appointment. As Jersey City requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment as indicated in *N.J.A.C. 4A:4-2.11(c)1*. Therefore, the appellant was required to maintain residency in Jersey City from the closing date of the subject examination up to and including the date of appointment. She failed to do so. Accordingly, based on the foregoing, the Commission finds that the appointing authority has provided a sufficient basis to remove the appellant's name from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
And
Correspondence

Henry Maurer
Director
Division of Appeals & Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Catherine M. Elston, Esq.
Sabrina Minervini
Robert J. Kakoleski
Kenneth Connolly

